IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3923 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KAMLESH MAFATLAL PRAJAPATI - Petitioner(s)
Versus
DIVISIONAL CONTROLLER & 1 - Respondent(s)

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Appearance :
MR AR LAKHIA for Petitioner(s) : 1,MR PRADEEP PATEL for Petitioner(s) : 1,
MR HS MUNSHAW for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 23/11/2006

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed

for appropriate writ, order or direction quashing and setting aside the select list of 17 candidates prepared by the S.T.Corporation pursuant to the interviews held on 16.5.1997.

2. It is not in dispute that if the petition is allowed and the relief which is sought in the present Special Civil Application is granted, the select list of 17 candidates prepared by the S.T.Corporation pursuant to the interviews held on 16.5.1997 will have to be quashed and set aside and those 17 candidates will be directly affected. Admittedly, all those 17 candidates whose names are in the select list which is sought to be quashed and set aside are not party to the present Special Civil Application. As held by the Hon'ble Supreme Court in the case of K.H.Siraj V/s High Court of Kerala, reported in (2006)6 SCC page 395, if the select list of those employees whose selection is sought to be challenged are not joined party to the proceedings, the petitioner is not entitled to any relief on the ground of non-joinder of proper and affected parties. Mr.Patel, learned advocate appearing for the petitioner has submitted that in fact he has also informed the petitioner that those 17 persons are required to be joined as party respondents but, however, the petitioner is not interested in joining those persons as party respondents.

3. In view of the fact that those persons who are likely to be affected on quashing and setting

aside the selection list prepared by the S.T.Corporation pursuant to the interviews held on 16.5.1997 are not joined as party to the present proceedings the petitioner is not entitled to any relief as prayed for. Hence, this petition is dismissed on that ground alone. Rule is discharged. Interim relief, if any, granted earlier stands vacated. No costs.

(M.R.SHAH, J)

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